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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,151	03/23/2004	Junichi Harasawa	119221	1959
25944	7590	11/01/2005		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER CONSILVIO, MARK J	
			ART UNIT 2872	PAPER NUMBER

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

**Office Action Summary**

Application No.

10/806,151

Applicant(s)

HARASAWA ET AL.

Examiner

Mark Consilvio

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/04 and 4/04</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

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## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

The information disclosure statements (IDS) submitted on 3/23/2004 and 4/21/2004 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

### ***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because no drawings have been submitted. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### *Specification*

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hugo (US Patent Application Publication No. 2004/0018360).

With respect to claim 1, Hugo discloses a color sheet having a light-shielding effect, comprising at least a reflecting layer and a color layer where the color layer is exposed to light from the reflecting layer, the reflecting layer having a solar-radiation reflectance of 60% or more in a wavelength range of 780 nm to 1350 nm, the color layer having a light transmittance of 30% or more in a wavelength range of 780 nm to 1350 nm (pars. 13 and 14). Hugo is silent to a solar-radiation absorbance of 10 to 80% in a wavelength range of 380 nm to 780 nm. However, it is known in the art that various pigments may be used to provide the particular visible absorbance desired (See e.g. pars. 1 and 2). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Hugo to provide visible

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absorbance between 10 to 80%. One of ordinary skill in the art would have been motivated to do this to adjust the color depth of the material depending on desired aesthetic effects.

With respect to claim 2, Hugo discloses or suggest the reflecting layer is made of a polyvinyl chloride type resin (par. 19) compounded with a titanium oxide type white pigment (par. 73), and with at least one material selected from the group consisting of glass beads, hollow glass balloons, and microcapsules (par. 34), and has a thickness of 0.1 to 1 mm (par. 35).

Though a plasticizer is not expressly disclosed, PVC is a hard and brittle substance at room temperature. Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a plasticizer to soften the substrate in order to <sup>be</sup> useful with the disclosed examples. b2

With respect to claims 3 and 4, Hugo discloses the color layer contains at least one material selected from a polyvinyl chloride type resin (par. 19), an acrylic type resin or a urethane type resin (par. 27), and has a thickness of 0.1 to 0.5 mm (par. 35). While Hugo does not expressly disclose a solar-radiation absorbance of 40 to 80% in a wavelength range of 380 nm to 780 nm, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Hugo to provide visible absorbance between 40 to 80% to adjust the color depth of the material depending on desired aesthetic effects.

With respect to claims 5-9, Hugo does not expressly disclose the reflecting layer is formed in a sheet-shape by coating paste plastisol containing a polyvinyl chloride type resin as a main ingredient onto a base material, and heating and curing the plastisol. However, it is noted that "even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does

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not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process" In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985). The process in the instant case would not result in a product distinct from that disclose above.

With respect to claims 10-13, Hugo discloses that the element can be provided for woven or non-woven fabrics (par. 18) but does not expressly disclose a tent or tarpaulin made from the sheet above. However, it is noted that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See In re Casey, 152 USPQ 235 (CCPA1967) and In re Otto, 136 USPQ 458, 459 (CCPA 1963).

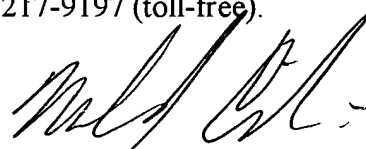
### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Consilvio whose telephone number is (571) 272-2453. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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